

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

LANDMARK AMERICAN INSURANCE)
COMPANY,)

Plaintiff,)

v.)

DOMTAR A.W., LLC,)
STEPHEN L. LINDSAY, and)
POWER SPECIALISTS ASSOC., INC.,)

Defendants.)

DOMTAR A.W., LLC,)

Cross-Plaintiff,)

v.)

POWER SPECIALISTS ASSOC., INC.,)

Cross-Defendants.)

Case No. 4:18-CV-00239-KGB

**STIPULATION TO DISMISS
ACTION WITHOUT
PREJUDICE**

STIPULATION OF DISMISSAL

Plaintiff Landmark American Insurance Company (“Landmark”) and Defendant/Cross-Plaintiff Domtar A.W., LLC (“Domtar”) and Defendant Stephen L. Lindsay (“Lindsay”), by and through their respective counsel, hereby stipulate as follows pursuant to Federal Rule of Civil Procedure 41:

1. Landmark and Domtar have resolved any controversy between them regarding Landmark’s duty to defend Domtar in the underlying lawsuit styled *Lindsay v. Domtar Paper*

Company, LLC, et al., which is currently pending as case no. 4:17-CV-00685-KGB in the United States District Court for the Eastern District of Arkansas.

2. Necessary party Defendant Lindsay does not object to the resolution reached between Landmark and Domtar.

3. Necessary party Defendant Power Specialists Assoc., Inc. ("Power Specialists") previously stipulated to be bound by any judgment entered in the controversy between Landmark and Domtar. [Dkt. No. 8, Ex. A]. The Court accordingly dismissed Power Specialists as a party to Landmark's Complaint for Declaratory Judgment. [Dkt. No. 31].

4. The undersigned parties stipulate and agree that Landmark's Complaint for Declaratory Judgment shall be dismissed without prejudice, each party to bear its own costs and fees, all matters presently in controversy having been settled, compromised and adjourned.

A proposed Order of Dismissal without Prejudice is attached.

DATED this 28th day of January, 2019

Respectfully Submitted,

/s/ Michael S. Knippen
Attorney for Plaintiff, Landmark American
Insurance Company

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the forgoing document was filed on **January 28, 2019**, with the Clerk of the Court using the CM/ECF System, which will send electronic notification of such filing to all counsel on record.

/s/ Michael S. Knippen